

**MINUTES  
UTAH  
CONSTRUCTION SERVICES COMMISSION  
MEETING**

**March 28, 2007**

**Room 474 - 4<sup>th</sup> Floor - 9:00 A.M.  
Heber Wells Building  
Salt Lake City, Utah**

**CONVENED:** 9:00 AM

**ADJOURNED:** 11:00 PM

**DOPL STAFF**

F. David Stanley, *Director*  
Dennis Meservy, *Bureau Manager*  
Wayne Holman, *Investigations Supervisor*  
Yvonne King, *Commission Secretary*  
Clyde Ormond, *Bureau Manager (Bureau 6)*  
Lenore Epstein, *Attorney General's Office*  
Ray Walker, *Reg/Comp Officer*

**MEMBERS PRESENT**

Bradley Stevens, *Chairman & Electrical Board Chairman*  
Wendy Gibbs  
Floyd Jackson  
Joel (Marty) Jolley  
Carl Tippetts  
Robert Dudley, *Plumber's Board Chairman*

**MEMBERS EXCUSED**

Larry Love, *Burglar Alarm Chairman*  
John Wilcox  
Steve Bowers

**VISITORS**

Sarah Engebritson, *Utah Contractor Center*  
Vern Peterson, *ICC*

**MINUTES**

Joel Jolley made a motion to approve the minutes for the February 2007 Commission Meeting. Wendy Gibbs seconded the motion and all members voted in favor.

**UPCOMING HEARING**

Lenore Epstein stated there was a hearing scheduled before the commission at their April meeting for A.K. & R. Whipple Plumbing and Heating. There was a possibility there may be a settlement prior to the hearing, however, the members of the commission needed to set time aside in case the hearing went forward.

**PROPOSED RULE CHANGES**

Dennis Meservy went through the proposed administrative rule changes which included new license classifications, replacement of old classifications and changes in the definitions. Proposed changes include but are not limited to: The definition of an employee would include verbiage about working for a licensed contractor or a substantial equivalent licensed contractor. Incidental work would not exceed ten percent of the overall contract. R156-55a-306a pertains to the questionnaire and aggregate bonding limit and would be eliminated. The verbiage or conversion would be added under R156-55a-311 for what constitutes the reorganization of a business entity. R156-55a-501(3) would make it unprofessional conduct for a contractor to not provide, upon request, proof of insurance coverage within thirty days.

**Proposed New License Classifications:** B200 Modular Unit Installation Contractor, S202 Solar Photovoltaic Contractor, S222 Overhead and Garage Door Contractor, S600 General Stucco and S700 Specialty License Contractor.

**Proposed Changes to License Classifications:** The cost or value of a project completed by a R101 Residential and Small Commercial Non Structural Remodeling and Repair Contractor would increase from \$25,000 to \$50,000.

S214 Water Conditioning Contractor would be changed to include the installation of hot water heaters. The S215 would be changed from Solar Energy Contractor to Solar Thermal Systems Contractor. S220 Carpentry work experience requirement would change from two to four years. S221 Cabinet and Millwork Contractor would be changed to include the installation of countertops (any type). S230 Metal and Vinyl Contractor would be changed to Siding Contractor.

S270 General Drywall, Stucco and Plastering Contractor would be changed to General Drywall and Plastering Contractor. License classifications eliminated under the S270 license classification would be the S271 Plastering Stucco Contractor and the S274 Drywall contractor.

Incidental work for the S280 Roofing Contractor would include installation of the roof clamp ring to the roof drain. License classifications eliminated under the S280 license classification would be the S281 Single Ply and Specialty Coating Contractor, S282 Build-Up Roofing Contractor, S283 Shingle and Shake Roofing Contractor, S284 Tile Roofing Contractor and S285 Metal Roofing Contractor.

Incidental work for the S290 General Masonry Contractor, S291 Stone Masonry Contractor, S292 Terrazzo Contractor, S293 Marble, Tile and Ceramic Contractor and S294 Cultured Marble Contractor would include installation of shower pans.

The commission changed the suggested wording for R156-55a-312 and the proposed S214 and S270 license classifications. R156-55a-312 provides for placing a license into inactivate status. The commission approved the elimination of current verbiage that requires or inferred testing prior to a license being reactivated. Proposed language indicates a license cannot be held in an inactive status for more than six years and a licensee has to meet renewal requirements prior to a license being reactivated.

The S214 was changed by the commission from Water Conditioning and Hot Water Heater Equipment Contractor to Water Conditioning and Potable Water Equipment Contractor. Also, the word hot in the S214 license classification verbiage was replaced with the word potable. The S270 General Drywall and Plastering Contractor license classification had the following verbiage added by the commission: "This does not include applying stucco to lathe, plaster and other surfaces."

Carl Tippetts made a motion to approve, with the changes made by the commission, the proposed changes to the administrative rules. Robert Dudley seconded the motion and all voted in favor. Ray Walker indicated he was impressed with the work done on the proposed rules.

**ELECTRICAL**  
**IDAHO RICPROCAL**

Stevens presented a new reciprocal agreement from Idaho. The current agreement requires the master and journeyman license classifications to be held in the home state for one year. The new agreement would eliminate this one year

requirement for the master electrician. Dudley made a motion to approve the reciprocal agreement with Idaho. Jolley seconded the motion and all members voted in favor.

## **INVESTIGATIONS**

Wayne Holman submitted a report on criminal misdemeanor filings, criminal felony filings, administrative filings, citation fines, administrative fines, cases received, cases assigned, cases closed, citations issued, site surveys, building inspectors contacts, MHRV inspections, owner/builder permits received, owner/builder investigations and letter of warnings. This report gave a comparison for the years 2003 to March of 2007. Holman indicated the state legislature just recently gave DOPL citation authority for Crane Operators, Building Inspectors and Manufactured Housing.

## **DISPLINARY REVIEW**

Leland Smith Heating Co

Meservy presented an Order of Dismissal for Leland Smith Heating Co. Action was initially taken for cancellation of liability insurance and then license was surrendered. Dudley made a motion to approve the dismissal. Gibbs seconded the motion and all members voted in favor.

Triad Electric and Controls, Inc

Meservy presented a Stipulation and Order for Triad Electric and Controls to practice as a contractor. The respondent failed to replace the qualifier, after the qualifier's license as a master electrician expired. Respondent paid a \$500 fine and replaced the qualifier. Jolley made a motion to approve the stipulation. Dudley seconded the motion and all members voted in favor.

Synergism, Inc

Meservy presented a Stipulation and Order for surrender of license for Synergism Inc. Respondent failed to replace qualifier, but was no longer in business. Floyd Jackson made a motion to approve the stipulation. Dudley seconded the motion and all members voted in favor.

Daniel S Semick  
DBA Custom Creations Landscape

Holman presented a Stipulation and Order for Daniel Semick, Custom Creations Landscape, to practice as a contractor. Respondent falsified application to obtain B100 General Building Contractor license classification. B100 license classification is revoked and respondent will cease and desist from doing B100 work.

Respondent paid a fine of \$1,000.00 and license as a S-330 Landscaping Contractor is placed on probation with conditions until November 30, 2009. Gibbs made a motion to approve the stipulation. Jolley seconded the motion and all members voted in favor.

Paul James Ford

Holman presented a Stipulation and Order for Paul James Ford. Ford falsified an application affidavit. Respondent paid a fine of \$500.00 and shall cease and desist from violating all applicable regulations, rules and orders related to the practice of contractor. Dudley made a motion to approve the stipulation. Tippetts seconded the motion and all members voted in favor.

Greg R. Losee

Meservy presented an Order of Dismissal for Greg R. Losee. Respondent initially failed to provide proof of liability insurance. Respondent later provided documentation that licensee held valid liability insurance for the time periods required by law. Dudley made a motion to approve the order. Jackson seconded the motion and all members voted in favor.

Robert Steven Navasio

Ormond presented an Order Reinstating the license of Robert Steven Navasio to practice as a Burglar Alarm Agent. Respondent has satisfied the terms and conditions as set forth in the Division's Memorandum of Understanding, dated March 29, 2005. It is hereby ordered the probation on this license be terminated and the license be reinstated with full privileges. Tippetts made a motion to approve the order. Jolley seconded the motion and all members voted in favor.

Guillermo Tiscareno  
Amigo Property Services, LLC

The meeting was closed so Administrative Law Judge Steven Eklund could review with the commission his Findings of Fact, Conclusion of Law and Recommended Order for Amigo Property Services, LLC. Guillermo Tiscareno failed to replace the qualifier for Amigo. According to the recommended order, respondent's license would be suspended for two months. If the qualifier was not replaced after this time frame the license would be revoked. Dudley made a motion to approve the order.

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Jackson seconded the motion and all voted in favor.  
F. David Stanley the division director mentioned  
there needed to be a phone conversation with  
Tiscareno before he signed the order.

**All business concluded meeting adjourned.**

*Note: This report is not intended to be a verbatim transcript, but is intended to record the significant features of what was discussed in the meeting. Discussed items are not necessarily arranged in chronological order.*

**(ss) Brad Stevens**  
**Commission Chairman Signature**

**04/25/2007**  
**Date**

**(ss) Dennis Meservy**  
**Bureau Manager Signature**

**04/25/2007**  
**Date**